

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

LAWRENCE TOBIAS,

Plaintiff,

v.

**COMMISSIONER OF SOCIAL
SECURITY,**

Defendant.

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Case No. 14-CV-1751

JUDGE ALGENON L. MARBLEY

Magistrate Judge Kemp

ORDER

Before the Court is United States Magistrate Judge's **Report and Recommendation** (Doc. 21). On November 19, 2015, the Magistrate Judge recommended that the Court **SUSTAIN** this Plaintiff' Statement of Errors against Defendant and **REMAND** to the Commissioner of Social Security pursuant to 42 U.S.C. § 405(g), sentence four.

The Report and Recommendation specifically advises the parties that the failure to object to the Report and Recommendation within fourteen days results in "a waiver of the right to have the District Judge review the Report and Recommendation *de novo*," and also "operates as a waiver of the right to appeal the decision of the District Court." (Doc. 21 at 13.) No objection has been filed. The deadline for objections lapsed on December 2, 2015.

The Court hereby **ADOPTS** the Report and Recommendation based on the independent consideration of the analysis therein. Accordingly, it **SUSTAINS** Plaintiff's Statement of Errors

and **REMANDS** to the Commissioner of Social Security pursuant to 42 U.S.C. § 405(g),
sentence four.

IT IS SO ORDERED.

Dated: January 14, 2016

s/Algenon L. Marbley
ALGENON L. MARBLEY
UNITED STATES DISTRICT COURT